

**BEFORE THE
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

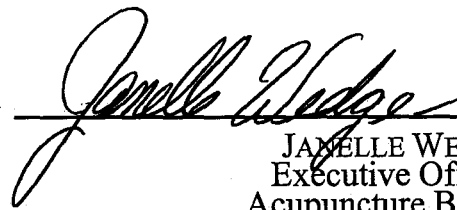
In the Matter of the Statement of Issues Against:)	Case No. 1A-2010-5
)	
JAE YOENG LEE)	
2043 Northam Drive)	
Fullerton, CA 92833)	
)	
)	
)	
<u>Respondent.</u>)	

ORDER WITHDRAWING STATEMENT OF ISSUES

TO ALL PARTIES:

The Statement of Issues in the above-entitled matter is herewith withdrawn.

Effective Date: July 12, 2011.



JANELLE WEDGE
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California

**ATTACHMENT A:
REQUEST TO WITHDRAW**



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Ref: 71204-0002

June 14, 2011

VIA EMAIL AND U.S. MAIL

Heidi R. Weisbaum
Deputy Attorney General
State of California Department of Justice
110 West "A" Street, Suite 1100
San Diego, CA 92101

Re: Jae Yoeng Lee - Acupuncture Board Case No. 1A-2010-5; OAH No. 2011010978

Dear Ms. Weisbaum:

Consistent with our conversation of today, this is to confirm that Mr. Lee would like to withdraw his request to appeal the denial of his license by the Acupuncture Board. Mr. Lee does not wish to pursue the issuance of a license at this time and hereby consents to a dismissal of the appeal hearing.

Please let me know if there is any additional paperwork or steps that need to be taken to effectuate the foregoing.

Thank you for your time on this matter.

Very truly yours,



MONICA VU of
Jeffer, Mangels, Butler & Marmaro LLP

MQV:mar

Jae Yoeng Lee
Jae Yoeng

**ATTACHMENT B:
STATEMENT OF ISSUES**

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ACUPUNCTURE BOARD

9 **BEFORE THE**
10 **ACUPUNCTURE BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Statement of Issues
13 Against:

Case No. 1A-2010-5

14 **JAE YOENG LEE**
2043 Northam Drive
15 Fullerton, CA 92833

STATEMENT OF ISSUES

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Janelle Wedge (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Executive Officer of the Acupuncture Board, Department of Consumer Affairs.
- 22 2. On or about April 19, 2010, the Acupuncture Board, Department of Consumer Affairs
23 received an application for an Acupuncture License from Jae Yoeng Lee (Respondent). On or
24 about April 16, 2010, Jae Yoeng Lee certified under penalty of perjury to the truthfulness of all
25 statements, answers, and representations in the application. On or about May 5, 2010, the Board
26 denied the application.

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JURISDICTION

3. This Statement of Issues is brought before the Acupuncture Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4955 of the Code states:

“The board may deny, suspend, or revoke, or impose probationary conditions upon, the license of any acupuncturist if he or she is guilty of unprofessional conduct.

“Unprofessional conduct shall include, but not be limited to, the following:

“(a) Using or possessing any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or dangerous drug or alcoholic beverage to an extent or in a manner dangerous to himself or herself, or to any other person, or to the public, and to an extent that the use impairs his or her ability to engage in the practice of acupuncture with safety to the public.

“(b) Conviction of a crime substantially related to the qualifications, functions, or duties of an acupuncturist, the record of conviction being conclusive evidence thereof.

“...”

“(i) Any action or conduct that would have warranted the denial of the acupuncture license.

“...”

5. Section 480 of the Code states:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made

1 suspending the imposition of sentence, irrespective of a subsequent order under the
2 provisions of Section 1203.4 of the Penal Code.

3 "..."

4 "(3)

5 "(A) Done any act that if done by a licentiate of the business or profession in
6 question, would be grounds for suspension or revocation of license.

7 "(B) The board may deny a license pursuant to this subdivision only if the
8 crime or act is substantially related to the qualifications, functions, or duties of the
9 business or profession for which application is made.

10 "..."

11 "(c) A board may deny a license regulated by this code on the ground that the applicant
12 knowingly made a false statement of fact required to be revealed in the application for the
13 license."

14 FIRST CAUSE FOR DENIAL OF APPLICATION

15 (Conviction of Substantially Related Crime)

16 6. Respondent's application is subject to denial under Code sections 4955,
17 subdivision (b), and 480, subdivisions (a)(1) and (a)(3)(B), in that he was convicted of a crime
18 substantially related to the qualifications, functions or duties of an acupuncturist. The
19 circumstances are as follows:

20 a. On or about January 13, 2008, Respondent was arrested for violations of
21 Vehicle Code section 23152, subdivision (a) [driving under the influence of
22 alcohol] and subdivision (b) [driving with a blood alcohol percent greater than .08].
23 Respondent had been at a restaurant with friends and upon leaving the restaurant
24 parking lot, Respondent backed his vehicle into the valet stand (a wooden cabinet
25 for keys), drove forward a short distance, and then backed over the chair the valet
26 parker used; no one was hurt. Respondent was given field sobriety tests, which he
27 failed. He opted for a breath test and blew a .18 and .20, respectively.

28 b. On or about January 29, 2008, a criminal complaint was filed in Los

1 Angeles County Superior Court entitled *People v. Jae Yoeng Lee*, Case Number
2 8MP01152, charging Respondent with violating Vehicle Code section 23152,
3 subdivisions (a) and (b).

4 c. On or about February 14, 2008, Respondent entered a plea of nolo
5 contendere to a violation of Vehicle Code section 23152, subdivision (b), and was
6 sentenced as follows: 36 months summary probation, a three-month first offender
7 program, enrollment, attendance at 30 Alcoholics Anonymous meetings, restitution
8 in the amount of \$1693.00, and fines and fees among other terms. The remaining
9 count was dismissed.

10 SECOND CAUSE FOR DENIAL OF APPLICATION

11 (Use of Alcohol in Manner Dangerous to Self or Others)

12 7. Respondent's application is further subject to denial under Code section 4955,
13 subdivision (a), in that he used alcohol in a manner dangerous to himself and others as more
14 particularly set forth in 6 above, which is incorporated herein by reference.

15 THIRD CAUSE FOR DENIAL OF APPLICATION

16 (Dishonesty)

17 8. Respondent's application is further subject to denial under Code sections 4955
18 subdivision (i), and 480, subdivision (c), in that Respondent knowingly made a false statement of
19 fact required to be revealed in his application for licensure. The circumstances are as follows:

20 a. On or about October 12, 2009, Respondent submitted his Application for
21 Examination to the Board, in which he answered "No" to the question asking if he had ever been
22 "convicted or pled nolo contendere to any offense, misdemeanor or felony," despite knowing he
23 had been so convicted as set forth in paragraph 6, above, and paragraph 9, below.

24 FACTORS IN AGGRAVATION

25 9. Respondent sustained two additional driving under the influence convictions. The
26 circumstances are as follows:

27 a. On or about December 3, 1995, Respondent was arrested for violating
28 Vehicle Code section 23152, subdivisions (a) [driving under the influence of alcohol]

1 and (b) [driving with a blood alcohol percent greater than .08]. On or about
2 December 15, 1995, a misdemeanor complaint was filed in Los Angeles County
3 Municipal Court entitled *People v. Jae Yoeng Lee*, Case Number 95V10015,
4 charging Respondent with two Vehicle Code violations.

5 b. On or about January 25, 1996, Respondent entered a plea of nolo
6 contendere to a violation of Vehicle Code section 23152, subdivision (b), and was
7 sentenced as follows: 36 months summary probation, 17 days jail with credit for 1
8 day served, a three-month first offender program, a 90-day driving restriction to and
9 from work, to and from the program, restitution in the amount of \$1565.00, and fines
10 and fees totaling almost \$1000.00, among other terms. The remaining count was
11 dismissed.

12 c. On or about July 26, 1996, Respondent was arrested for violations of
13 Vehicle Code sections 23152, subdivision (a) [driving under the influence of
14 alcohol], subdivision (b) [driving with a blood alcohol percent greater than .08], and
15 section 12500 [driving without a valid driver's license]. On or about August 8, 1996,
16 a misdemeanor complaint was filed in Los Angeles County Municipal Court, entitled
17 *People v. Jae Yoeng Lee*, Case No. 6MT07031, charging Respondent with three
18 Vehicle Code violations.

19 d. On or about November 22, 1996, Respondent entered a plea of nolo
20 contendere to a violation of Vehicle Code section 23152, subdivision (b), and was
21 sentenced as follows: 60 months summary probation, 60 days jail with credit for 3
22 days served, an 18 month offender program, restitution in the amount of \$1494.00, an
23 ignition lock interface device, and fines and fees of over \$1000.00, among other
24 terms.

25 The remaining counts were dismissed.

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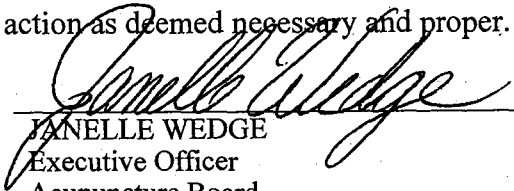
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Acupuncture Board issue a decision:

1. Denying the application of Jae Yoeng Lee for an Acupuncturist License.
2. Taking such other and further action as deemed necessary and proper.

DATED: SEP 01 2010


JANELLE WEDGE
Executive Officer
Acupuncture Board
Department of Consumer Affairs
State of California
Complainant